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SUBJECT: UPDATE: QUESTIONABLE EVIDENCE AND PROCEDURES MAR
SERGE MAHESHE MURDER TRIAL

REF: KINSHASA 00666

¶1. (U) Summary. The trial of two soldiers accused of killing Radio Okapi journalist Serge Maheshe has lost credibility, say MONUC and NGO representatives in South Kivu province. Locals complain that the military tribunal hearing the case rushed to judgment with the arrest and hearings of 14 suspects just days after Maheshe was killed. The alleged murderers have accused two of Maheshe's best friends as masterminds behind the crime. End summary.

¶2. (U) Serge Maheshe, a journalist who worked for UN-funded Radio Okapi, was killed by unidentified men in Bukavu, South Kivu June 13 (reftel). Two days later, a military tribunal began hearings for 14 suspects, although, according to MONUC, routine investigations were not yet completed. The tribunal recessed June 16.

¶3. (U) When hearings resumed June 25, the prosecutor named two of the 14 detainees, Freddy Bisimwa and Masaile Rwezangabo, as the gunmen, and said they had threatened investigators on the scene after the murder. The prosecutor also presented a crime scene report that noted the murder occurred at approximately 8:00 p.m., but the crime scene was not sealed off until past midnight. Police did not search homes until the following morning.

¶4. (U) On July 5, the two principle witnesses in the case, Serge Muhima and Alain Mulimbi, friends who were with Maheshe when he was killed, were arrested and taken to Bukavu central prison for questioning. On July 15, Bisimwa and Rwezangabo claimed Muhima and Mulimbi had ordered the killing. They said Maheshe's friends had promised them 30,000 USD and plane tickets to South Africa in return for killing him.

¶5. (SBU) A Bukavu NGO leader and friend of Maheshe told us July 19 the trial had become a "theater." He evoked the 2005 military investigation into the death of Bukavu-based human rights activist Pascal Kabungulu, which similarly accused a friend of his murder. The friend was eventually released, but the accusation delayed the prosecution of the case, which remains unsolved.

¶6. (SBU) A MONUC Bukavu political officer told us July 19 the accusations against Muhima and Mulimbi were "ridiculous" and said its head of office was personally following the case. He characterized the "confusing tale" of Bisimwa and Rwezangabo as an attempt to deflect attention from themselves.

¶7. (U) Maheshe's mother testified July 18 that Muhima and Mulimbi were "like her own sons" and had grown up with Maheshe. She upbraided the alleged murderers and demanded

they explain who had actually sent them to kill her son and why. She offered two possible motives for the murder: an altercation between Maheshe and Republican Guard soldiers in May and a family land dispute for which Maheshe had appeared in civil court the day he was killed.

¶8. (U) Civilian lawyers retained by Muhima and Mulimbi have petitioned for provisional release of the two as well as for their case to be moved to a civilian court. The tribunal denied both requests.

¶9. (SBU) Comment: National and provincial officials spoke out strongly against Maheshe's murder. But the conduct and record of Bukavu's military tribunal does not engender confidence in its ability to solve cases or defend the public interest. End comment.

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